

REMARKS

Claims 1-13 are pending in the present application. Claims 1-14 are rejected. Claims 1-10 and 12-13 are herein amended. Claim 14 is canceled.

Claim Rejections under 35 U.S.C. 102

Claims 5 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Johannsen, *et al.* (U.S. Patent No. 5,774,529, hereinafter Johannsen).

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Petite (U.S. Patent No. 6,628,764).

Claims 5 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Jenkins, *et al.* (U.S. Patent No. 5,987,105, hereinafter Jenkins).

Claims 1, 2, 5 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Johnstone (U.S. Patent No. 4,390,953).

On page 8, from lines 5-23 of the written specification, it is stated that:

“Fig. 1 is a block diagram showing a configuration of outboard motor monitoring system according to one embodiment of the present invention. In Fig. 1, an outboard motor (engine) 1 is mounted in a boat 2, and further, includes a controller or an engine control unit (ECU) 3. The ECU 3 is connected to a communication unit 4 via a dedicated communication interface so that the ECU 3 and the communication unit 4 can mutually make data communication. The communication unit 4 is connected to a mobile phone 5, and the mobile phone 5 makes communication with the outside according to the instructions from the communication unit 4. The ECU 3 transmits detection data (described later) detected by various sensors included in the outboard motor 1 to the communication unit 4. The communication unit 4 transmits the detection data as condition data of the outboard motor 1 to a public line 100 via the mobile phone 5.”

These features are shown by way of an example in Figure 1. It should be noted that this disclosure specifically mentions a boat which is a mobile call station or a mobile managed

machine. It should also be noted that this disclosure specifically mentions a mobile communication apparatus. These features are added to independent claims 1 and 5 by amendment.

These mobile call station, mobile managed machine and mobile communication apparatus features are not disclosed or taught in Johannsen, Petite, Jenkins, and Johnstone.

It is well settled that:

“A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference.”
Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).”

Should the Office continue to believe that independent claims 1 and 5, as newly amended, are still anticipated by the asserted prior art, a citation of where each and every claimed feature, either as column number and line number, or figure number and reference numeral, or a combination thereof, as disclosed in the asserted prior art is respectfully requested. Should the Office determine that any claimed feature is not disclosed in the asserted prior art, it is respectfully submitted that the claimed invention is not anticipated by the asserted prior art. Allowance of the claimed invention is then respectfully requested.

Claim Rejections under 35 U.S.C. 103

Claim 11 is rejected under 35 U.S.C. §103(e) as being unpatentable over Johannsen.

Claims 6-9 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Johannsen in view of Ogushi et al. (U.S. Patent No. 6,385,497 filed July 29, 1997, hereinafter Ogushi).

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Johnstone.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Johnstone in view of Sawada *et al.* (U.S. Patent No. 5,835,816 hereinafter Sawada).

As independent claims 1 and 5 are amended to be patentably distinguished over a number or primary references. All claims dependent thereon, by virtue of inherency, are also patentably distinguished over the number of primary references further in view of whatever secondary reference added thereto to reject the dependent claims.

Reconsideration and withdrawal of these rejections are respectfully requested.

Prior Art Indicated To Be Pertinent To The Disclosure

The Office has provided a list of prior art indicated to be pertinent to the Applicant's invention. Consistent with the understanding as stipulated in MPEP 706.02 that only the best prior art should be applied, this list of prior art not having been applied by the Office, it is the Applicant's understanding that the Office must have considered the listed prior art to be no more pertinent than the applied prior art of record.

New Claims

New claims 15, 16 and 17 are added herein by Amendment. As these claims are all dependent on independent claim 5, which independent claim 5 is further amended to be patentably distinguished over the asserted prior art, by virtue of inherency, these newly added claims are also patentably distinguished over the asserted prior art. Allowance of these claims is respectfully requested.

CONCLUSION

In view of the aforementioned amendments and accompanying remarks, all claims are believed to be in condition for allowance.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael Lau", written in a cursive style.

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